

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

MICHAEL PECO,	§	
Petitioner,	§	
	§	
v.	§	Civil Action No. 4:15-CV-142-O
	§	
RODNEY W. CHANDLER, Warden,	§	
FCI-Fort Worth,	§	
Respondent.	§	

OPINION AND ORDER

Before the Court is a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 filed by Petitioner, Michael Peco, a federal prisoner who is confined in FCI-Fort Worth, against Rodney W. Chandler, warden of FCI-Fort Worth, Respondent. After considering the pleadings and relief sought by Petitioner, the Court has concluded that the petition should be dismissed as moot.

I. BACKGROUND

Petitioner challenges a 2011 incident report and prison-disciplinary proceeding conducted at MCC-Chicago and the resultant loss of 27 days' good-time credit. Pet. 1-2 & Exs. 1 & 2, ECF No. 1. Both parties agree that the disciplinary proceeding and incident report have been expunged from Petitioner's prison record, and Respondent provides proof that Petitioner's lost good-time credit has been restored. Resp't's Resp. 1-2, ECF No. 8; Resp't's App. 1, ECF No. 9. Accordingly, Respondent asserts the case is now moot and should be dismissed. Resp't's Resp. 1-2, ECF No. 8.

II. DISCUSSION

This court does not have the power under Article III of the Constitution to decide the merits of a case that is moot when it comes before the court. *See Goldin v. Bartholow*, 166 F.3d 710, 717 (5th Cir. 1999). "[A] case is moot when it no longer presents a live controversy with respect to

which the court can give meaningful relief.” *McClelland v. Gronwaldt*, 155 F.3d 507, 514 (5th Cir. 1998) (internal quotations, footnote, and brackets omitted), *overruled on other grounds by Arana v. Ochsner Health Plan*, 338 F.3d 433, 440 & n.11 (5th Cir. 2003) (en banc). If a case is moot, a court lacks subject matter jurisdiction. *Carr v. Saucier*, 582 F.2d 14, 15-16 (5th Cir. 1978).

Because the BOP has expunged the disciplinary proceeding and incident report and restored Petitioner’s lost good-time credit, the Court can no longer provide Petitioner with that relief. Thus, the Court agrees that this case has been rendered moot. *Bailey v. Southerland*, 821 F.2d 277, 278 (5th Cir. 1987).

III. CONCLUSION

For the reasons discussed herein, Petitioner’s petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 is **DISMISSED** as moot.

SO ORDERED on this 6th day of August, 2015.


Reed O'Connor
UNITED STATES DISTRICT JUDGE